

**REMARKS**

Applicant respectfully requests reexamination, reconsideration and allowance of this application, including claims 8-20 and 24-26 rejected under 35 U.S.C. § 102(e), and of claims 21-23 rejected under 35 U.S.C. § 103(a).

**I. Claims 8-20 and 24-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Heide.**

Independent claims 8, 21, and 24 are rejected as being anticipated by the disclosure of Heide, U.S. Patent Publication No. 2001/0005170. In the amendments above, the rejected claims have been amended to claim:

1. the "direct" reception of the radio-electrical signal; and
2. interpretation of a command having an instruction for at least one of

the movement of a movable element of a home automation device and a learning-mode instruction received from a user-operable remote control.

Both of these features distinguish the present claims from the art of record.

**A. Heide Does Not Disclose Direct Transmission**

Heide discloses how to determine the position of a code transmitter with a transponder and a "back scatterer." In particular, the evaluation of the signal is accomplished by mixing the signal backscattered from the code transmitter with transmitted signal from the vehicle using frequency-modulated continuous-wave methods to obtain a low frequency measurement signal ("an echo signal"). Heide, at [0019].

Accordingly, Heide does not directly receive a radio-electrical signal. Neither does it determine two electromagnetic properties of a directly received signal because Heide mixes the transmitted signal and the back scattered signal.

**B. Heide Does Not Disclose A Home Automation Device Or A Learning-Mode Instruction**

Heide discloses an anti-theft protection system for a motor vehicle, not a home automation device. Further, the function of the code transmitter is to determine whether the doors and closures should be locked or unlocked, or whether the vehicle

immobilizer should be disabled. Heide, at [0081]. There is no mention of instructing the movement of a movable element of a home automation device or a learning-mode instruction.

Therefore, Heide does not cover the types of instructions that are claimed by the independent claims of the present invention.

### **C. The Other Prior Art Does Warrant A Rejection, And The Dependent Claims Are Patentable**

The shortcomings of Heide are not cured by the disclosures of the other prior art of record, rendering independent claims 8, 21 and 24 patentable. Because the independent claims are patentable, the dependent claims are also patentable.

## **II. CONCLUSION**

Entry of the above amendment and allowance of the claims is respectfully requested in view of the above remarks, in which applicants have pointed out the reasons why the claims 8-26, as amended, are not taught, suggested nor obvious to one skilled in the art from the references of record. Withdrawal of the rejections and allowance of the application is earnestly requested.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,  
WELSH & KATZ, LTD.

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/s/Erik B. Flom

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